

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**ROHILLCO BUSINESS SERVICES LLC
and GAP FUNDING COMPANY LLC,**

Plaintiffs,

v.

JP MORGAN CHASE BANK, N.A.,

Defendant.

MOSMAN, J.,

No. 3:15-cv-02270-SB

OPINION AND ORDER

On June 7, 2017, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [42], recommending that the Defendant’s Motion to Dismiss [36] should be GRANTED and Plaintiffs’ claim for breach of fiduciary duty should be DISMISSED with prejudice. Neither party objected to the F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal

conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny with which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Judge Beckerman's recommendations and ADOPT the F&R [42] as my own opinion. The Defendant's Motion to Dismiss [36] is GRANTED, and Plaintiffs' claim for breach of fiduciary duty is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 30th day of June, 2017.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge